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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : James Thomas Shiveley

FOR : **RAPID EFFICIENT INFRARED
CURING OF POWDER
COATINGS/WET COATINGS AND FOR
ULTRAVIOLET CURING OF
COATINGS AS APPLIED TO
LABORATORY AND PRODUCTION
PROCESSING**

SERIAL NO. : 09/851,720

FILED : May 9, 2001

LAST OFFICE ACTION : December 5, 2003

EXAMINER : Elena Tsoy

GROUP ART UNIT : 1762

ATTORNEY DOCKET NO. : 30188.30008
Customer #26781

11/22/2004 HALI11 00000015 501210 09851720

01 FC:1453 1370.00 DA

Akron, Ohio 44311-4407
November 17, 2004

CERTIFICATE OF MAILING

I hereby certify that this **PETITION TO REVIVE UNINTENTIONALLY
ABANDONED APPLICATION UNDER THE PROVISIONS OF 37 C.F.R. 1.137(b)** is
being deposited with the United States Postal Service as first class mail in an envelope
addressed to Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria,
VA 22313-01450, on the following date.

Nov 17, 2004
Date

S. L. Davis
S.L. Davis



**PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION
UNDER THE PROVISIONS OF 37 C.F.R. 1.137(b)**

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant's attorney respectfully petitions the Commissioner for Patents to revive the above-identified application under the provisions of 37 C.F.R. 1.137(b) on the ground that the delay was unintentional. This petition is supported by the following affidavit.

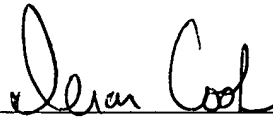
The application was abandoned on October 5, 2004, due to failure to respond to the Second Restriction Requirement on the part of the undersigned and his secretary. The Office Action dated December 5, 2003, was never received by the undersigned as the correspondence was sent to an incorrect address. Moreover, despite having filed a change of address form on June 28, 2004, the Notice of Abandonment was not directed to the proper address either. Therefore, we had no notice that the application had gone abandoned. Once we learned of the abandonment on or about October 19, 2004, the undersigned promptly prepared this Petition to Revive, as well as, the enclosed Affidavit.

It is submitted, therefore, that, on the basis described above, the abandonment should be held to be inadvertent, the delay should be held to be unintentional, the enclosed Response to Restriction Requirement should be entered and the case revived.

The Commissioner is hereby authorized to charge the petition fee in the sum required under 37 C.F.R. 1.17(m) in the amount of \$1,370 is enclosed herewith. The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 501210.

Respectfully submitted,

BROUSE MCDOWELL



11-17-04

Date

Deron A. Cook, Esq.
Reg. No. 52,767
Customer #26781

Telephone No.: (330) 535-5711
Fax No.: (330) 253-8601

#593132v1



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : James Thomas Shiveley

FOR : **RAPID EFFICIENT INFRARED CURING
OF POWDER COATINGS/WET
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EXAMINER : Elena Tsoy

GROUP ART UNIT : 1762

ATTORNEY DOCKET NO. : 30188.30008
Customer #26781

Akron, Ohio 44311-4407
November 17, 2004

CERTIFICATE OF MAILING

I hereby certify that this **DECLARATION OF DERON A. COOK** is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the following date.

Nov 17, 2004
Date

S. L. Davis
S.L. Davis

DECLARATION OF DERON A. COOK

Commissioner for Patents

P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Deron A. Cook, declare as follows:

1. I am a registered patent attorney, Registration No. 52,767.
2. I am an associate in the firm of Brouse McDowell, 388 S. Main Street, Akron, OH 44311-4407.
3. I am presently responsible for the prosecution of the above-identified United States Patent Application.
4. On or about October 19, 2004, our office in response to an inquiry by my colleague, Tim Smith, received notice from Examiner Kathryn O'Malley that the above-referenced application had gone abandoned.
5. In specific response to Mr. Smith's inquiry, Ms. O'Malley forwarded to us a Notice of Abandonment dated approximately October 1, 2004, and an Office Action Summary dated December 2, 2003.
6. The Office Action was a Second Restriction Requirement and provided a one month statutory period to reply.
7. The Office Action was addressed to Thomas Lewandowski at One Cascade Plaza, Akron, OH 44308.
8. Mr. Lewandowski has not been associated with the firm Brouse McDowell or the precursor intellectual property firm of Emerson & Skeriotis for several years and Brouse McDowell has not been located at One Cascade Plaza for approximately two years.
9. On or about June 28, 2004, we sent the United States Patent and Trademark Office a change of request form for this file (See Exhibit A hereto).

10. It appears that the change of address was either never received, or was not recorded.

11. As a result, while the change of address was not submitted soon enough for the Office Action to have been properly directed, it was submitted soon enough for the Notice of Abandonment to have been properly directed.

12. Because the Office Action was sent to One Cascade Plaza address, we had no notice of it. Accordingly, we did not respond to the Office Action in the shortened statutory period.

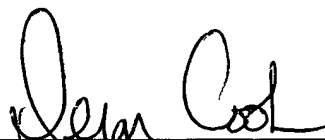
13. Moreover, the Notice of Abandonment was sent to the same One Cascade Plaza address and was not received by our office despite having filed a timely change of address.

14. With this Petition to Revive, we are submitting the appropriate Change of Address form. Therefore, we do not expect that this error will be made again in the future.

15. I further declare that the statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 in the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Respectfully submitted,

BROUSE MCDOWELL



Deron A. Cook, Esq.
Reg. No. 52,767
Customer #26781

11-17-04

Date

Telephone No.: (330) 535-5711
Fax No.: (330) 253-8601

BROUSE McDOWELL
A LEGAL PROFESSIONAL ASSOCIATION

■ Daniel A. Thomson
Attorney at Law
dthomson@brouse.com

June 28, 2004

Mail Stop EBC
Commissioner for Patents
P. O. Box 1450
Alexandria VA 55313-1450

500 First National Tower
Akron, OH 44308-1471
Phone: 330.535.9999
Phone: 330.535.5711
Facsimile: 330.535.5000
1001 Lakeside Avenue
Suite 1600
Cleveland, OH 44114-1151
Phone: 216.830.6830
Facsimile: 216.830.6807
Internet: www.brouse.com

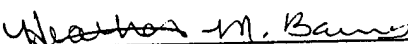
Re: Customer Number Batch Update


Dear Commissioner for Patents:

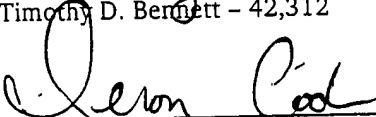
Please associate the customer number 26781 with the correspondence address and the fee address, as shown on the attached diskette of spreadsheets. The correct address is:

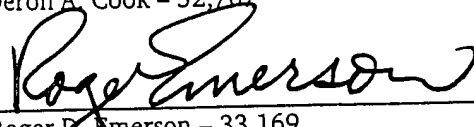
Brouse McDowell
106 South Main Street, Suite #500
Akron, OH 44308-1471

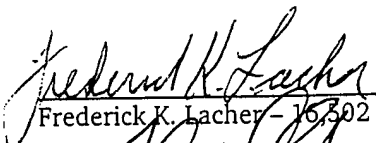
For each application listed on the enclosed diskette of spreadsheets, the attorney of record has signed below authorizing the change of correspondence and fee address:

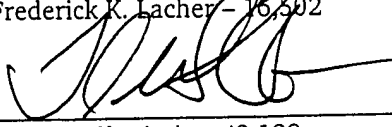

Heather M. Barnes - 44,022

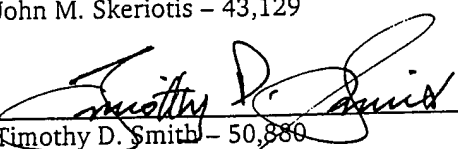

Timothy D. Bennett - 42,312

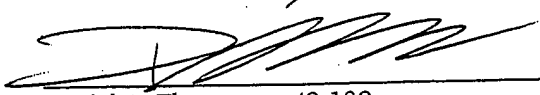

Deron A. Cook - 52,767


Roger D. Emerson - 33,169


Frederick K. Lacher - 16,302


John M. Skeriotis - 43,129


Timothy D. Smith - 50,880


Daniel A. Thomson - 43,189

Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me concerning any subject matter of this customer number update request by electronic mail. I understand that a copy of the confirmation of the change of address, but not the e-mailed confirmation, will be made of record in the application files.

Email address: dat@brouse.com


Daniel A. Thomson, Esq.

Enclosure: diskette *dk*
DAT/dmk/#576 673 v1

Patent Number	Application Number	Patent Date	Filing Date	Change Correspond. Address?	Change Fee Address?	Docket Number
	10236168		9/4/2002	yes	yes	01205.21945
	PCTUS0221506		7/9/2002	yes	yes	01205.21946
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